

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ANTHONY L. ALLEN, JR.,

Petitioner,

v.

BRYAN D. PHILLIPS,

Respondent.

No. 2:22-CV-0011-DAD-DMC-P

ORDER

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. Pending before the Court are: (1) Petitioner's motion to exclude evidence, ECF No. 40; and (2) Petitioner's request to produce portions of the state court record, ECF No. 41.

A review of the docket reflects that Respondent has filed a motion to dismiss based on failure to exhaust state court remedies. Respondent's motion and any opposition thereto Petitioner may file do not require consideration of any evidence or state court records. Petitioner's motions/requests will be denied without prejudice to renewal should Respondent's motion to dismiss be denied and following lodging of the state court record concurrent with an answer to the petition. By separate order, the Court has granted Petitioner an extension of time to file an opposition to Respondent's motion to dismiss.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Petitioner's motion, ECF No. 40, is DENIED without prejudice.
2. Petitioner's request, ECF No. 41, is DENIED without prejudice.

Dated: October 23, 2023



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE